

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NSIGHT, INC.,
Plaintiff,
v.
PEOPLESOFT, INC.,
Defendant

No. C 04-3836 MMC (MEJ)

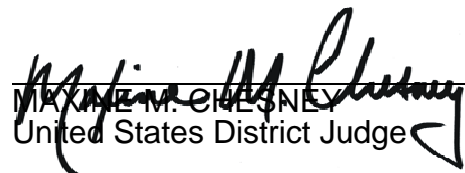
**ORDER DENYING PLAINTIFF'S
REQUEST FOR ENTRY OF DEFAULT;
DENYING PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT; VACATING
HEARING**

Before the Court is plaintiff's request for entry of default and motion for default judgment, both filed July 23, 2006. In its request and motion, plaintiff asserts defendant did not file a timely response to plaintiff's Fourth Amended Complaint ("4AC"). On July 24, 2006, defendant filed a "preliminary response" to plaintiff's request and motion, asserting therein that its answer, which was filed and served July 23, 2006, is timely.

For the reasons stated in defendant's preliminary response, (see Def.'s Preliminary Response at 1:27 - 2:7), the Court finds the answer to the 4AC was timely, and, accordingly, DENIES plaintiff's request for entry of default and motion for default judgment.¹

IT IS SO ORDERED.

Dated: July 31, 2006


MAXINE M. CHESNEY
United States District Judge

¹The September 1, 2006 hearing on plaintiff's motion is hereby VACATED.